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FACULTY FOR JUSTICE IN PALESTINE AT UCLA

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

YITZCHOK FRANKEL;) Case No. 2:24-cv-04702-MCS-
JOSHUA GHAYOUM; and)
EDEN SHEMUELIAN,)
Plaintiffs.)

Plaintiffs.

vs.

REGENTS OF THE UNIVERSITY OF CALIFORNIA; MICHAEL V. DRAKE, President of the University of California; GENE D. BLOCK, Chancellor, University of California, Los Angeles; DARRELL HUNT, Executive Vice-President and Provost; MICHAEL BECK, Administrative Vice Chancellor; MONROE GORDEN, JR., Vice Chancellor; and RICK BRAZIEL, Assistant Vice Chancellor, each in both his official and personal capacities,

) Case No. 2:24-cv-04702-MCS-

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) (1) EX PARTE APPLICATION FOR
) LEAVE TO FILE AMICUS CURIAE
) BRIEF ON BEHALF OF FACULTY
) FOR JUSTICE IN PALESTINE-
) UCLA
)
) (2) MEMORANDUM OF POINTS
) AND AUTHORITIES IN SUPPORT
) OF APPLICATION
) TO FILE AMICUS CURIAE BRIEF
)
) **Judge: Hon. Mark C. Scarsi**

)

Defendants

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 Faculty for Justice in Palestine-UCLA hereby applies Ex Parte to the above-
3 entitled Court for leave to file an amicus curiae memorandum in support of
4 Defendants' *Memorandum of Points and Authorities in Opposition to Plaintiffs'*
5 *Motion for Preliminary Injunction*, ECF 62.

6 Faculty for Justice in Palestine-UCLA have complied with Local Rule 7-19.1,
7 by providing notice to all parties in advance of filing this Application. None of the
8 parties have indicated they oppose this application. On August 7, 2024, counsel for
9 Defendants stated in an email that Defendants take no position on the participation of
10 amicus in this case. Counsel for *amici* emailed and called Counsel for Plaintiffs on
11 August 7, 2024. At the time of this filing, Counsel for *amici* have not heard back
12 from Plaintiffs. A proposed order granting this application is also attached.

13 As described in the accompanying Memorandum of Points and Authorities,
14 there is good cause to grant this unopposed Application, which is within the Court's
15 discretion.

16 Pursuant to Local Rule 7-19.1, the contact information for Plaintiffs' counsel is
17 as follows:

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21 Washington, DC 20006
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24 erassbach@becketlaw.org

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Amici respectfully request leave to file a brief in support of the motion for a
3 preliminary injunction. The proposed amicus brief will provide the Court with helpful
4 information about the broader context surrounding the UCLA encampment, how
5 other schools have responded, and the impact on anti-genocide, pro-Palestinian
6 student and faculty protesters in particular. A proposed order permitting filing of the
7 *amicus curiae* brief is attached.

8 *Amicus curiae* assist in cases “of general public interest” by “supplementing
9 the efforts of counsel, and drawing the court’s attention to law that might otherwise
10 escape consideration.” *Funbus Systems, Inc. v. California Public Utilities Com.*, 801
11 F.2d 1120, 1125 (9th Cir. 1986). “District courts frequently welcome amicus briefs
12 from nonparties concerning legal issues that have potential ramifications beyond the
13 parties directly involved or if the amicus has unique information or perspective.”
14 *Sonoma Falls Developers, LLC v. Nev. Gold & Casinos*, 272 F. Supp. 2d 919, 925
15 (N.D. Cal. 2003) (internal quotes omitted).

16 While no “standard, rule, or statute” governs amicus participation in district
17 court, courts in this Circuit generally consider motions for leave to file an amicus
18 brief under Federal Rule of Appellate Procedure 29. See *Stoyas v. Toshiba Corp.*,
19 2021 WL 2315200, at *2 (C.D. Cal. June 7, 2021) (“[T]he Federal Rules of Civil
20 Procedure do not address requests to participate as amici, therefore, district courts
21 rely on Federal Rule of Appellate Procedure 29 ... when considering such requests.”
22 (cleaned up)). Under Rule 29(a), “amicus curiae may file a brief only by leave of
23 court or if the brief states that all parties have consented to its filing.” Fed. R. App.
24 Proc. 29(a).

25 To seek leave, amici must file an accompanying motion for leave to file the
26 brief that states: (i) “the movant’s interest; and” (ii) “the reason why an amicus brief
27 is desirable and why the matters asserted are relevant to the disposition of the case.”
28

1 Fed. R. App. Proc. 29(b). “The Touchstone is whether the amicus is helpful.” United
2 States v. State Water Res. Control Bd., 2020 WL 9144006, at *3 (E.D. Cal. Apr. 23,
3 2020)

4 Here, *amici*’s brief is appropriate because Defendants take no position on its
5 filing and Plaintiffs have not responded. As of the filing of this brief, none of the
6 parties oppose its filing. See Fed. R. App. Proc. 29(a). The brief should be permitted
7 on this basis alone.

8 Leave is additionally appropriate here because the proposed brief, informed by
9 the proposed *amici*’s unique insights and experiences, will assist the Court’s
10 decision-making process. The UCLA Chapter of Faculty for Justice in Palestine
11 (FJP) is a diverse, multi-religious, multi-generational, multi-ethnic, multi-racial, and
12 multi-disciplinary collective of faculty members at UCLA. To further specify, FJP
13 includes both Jewish and Muslim identifying members, and faculty from schools of
14 law, medicine, social science, public policy, humanities, natural sciences, art, and
15 beyond. FJP emerged in response to the ongoing genocide of Palestinians in Gaza
16 and the need to support diverse groups of students at UCLA and beyond who have
17 sought to exercise their first amendment rights to freedom of speech and protest, in
18 support of Palestinian human rights, in response to the genocide, occupation, and
19 apartheid perpetuated by U.S. funding and foreign policies.

20 *Amici* have a strong interest in ensuring that anti-genocide, pro-Palestinian
21 protesters have equal access to education, and that student protesters do not face
22 harassment and threats because of their point of view. The outbreak of islamophobic
23 incidents not only at UCLA but on university campuses nationwide sharply undercut
24 that interest. At UCLA and many other universities, anti-genocide, pro-Palestinian
25 faculty and student protesters were physically assaulted, arrested, doxxed, subjected
26 to academic discipline, criminal prosecution, and banned from campus because of their
27 principled opposition to ongoing war crimes and genocide in Palestine. Anti-
28 genocide, pro-Palestinian faculty and students were also disproportionately targets of

1 harassment and intimidation because of their dress. Amici therefore have a strong
2 interest in ensuring that UCLA prevents counter protesting self-proclaimed Zionists
3 and white supremacists from attacking students and faculty. Amici also have a strong
4 interest in ensuring that UCLA does not subject faculty and students to more violence
5 from police and private security guards they hired, shootings with less lethal
6 munitions, total campus bans, harassment, and intimidation of anti-genocide, pro-
7 Palestinian faculty members and students protesting mass killings when the academic
8 term begins in the fall.

9 As outlined in the attached brief, *amici* write to put this litigation into the
10 broader context surrounding the anti-genocide student and faculty protests around the
11 country, refute allegations of antisemitism, show how UCLA and other schools have
12 responded, share the growing consensus about war crimes in Palestine, and highlight
13 the impact on anti-genocide, pro-Palestinian student and faculty protesters in
14 particular. The perspective of *amici* is particularly relevant to the preliminary
15 injunction factors.

16 There is no deadline in the Central District for a motion seeking leave to file an
17 *amicus curiae* brief.

18 For these reasons, the Court should accept the attached *amicus* brief for filing.

19 DATED: August 8, 2024

20 BY: /s/ Thomas B. Harvey
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23 Attorney for Amici Curiae
Faculty for Justice In Palestine-UCLA

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United States District Court
Central District of California
Case No. 2:24-cv-04702-MCS-PD

Frankel et al. v. Regents of the University of California et al.

PROOF OF SERVICE
(Pursuant to Federal Law)

The undersigned certifies and declares as follows:

I am a resident of the State of California and over 18 years of age and am not a party to this action. My business address is 1316 Calle Castano, Thousand Oaks, CA 91360, which is located in the county where any non-personal service described below took place.

On August 8, 2024, a copy of the following document(s):

(1) EX PARTE APPLICATION FOR LEAVE TO FILE AMICUS CURIAE BRIEF
ON BEHALF OF FACULTY FOR JUSTICE IN PALESTINE-UCLA IN SUPPORT
OF DEFENDANTS' MEMORANDUM OF POINTS AND AUTHORITIES IN
OPPOSITION TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION;
(2) MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
APPLICATION TO FILE AMICUS CURIAE BRIEF

was served on:

Eric C. Rassbach
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Attorneys for Plaintiffs

Service was accomplished by e-mail. By transmitting via e-mail or electronic transmission the document(s) listed above to the person at the e-mail address set forth above. Executed on August 8, 2024 at Thousand Oaks, California.

/s/ Thomas B. Harvey
Thomas. B. Harvey

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13 Attorneys for Amici Curiae
14 FACULTY FOR JUSTICE IN PALESTINE AT UCLA

15 **UNITED STATES DISTRICT COURT**
16 **CENTRAL DISTRICT OF CALIFORNIA**

17 YITZCHOK FRANKEL;) Case No. 2:24-cv-04702-MCS-
18 JOSHUA GHAYOUM; and)
19 EDEN SHEMUELIAN,)

20 Plaintiffs,)

21)

22 vs.)

23)

24 REGENTS OF THE UNIVERSITY OF) BRIEF OF AMICI CURIAE
25 CALIFORNIA; MICHAEL V. DRAKE,) FACULTY FOR JUSTICE IN
President of the University of California;) PALESTINE AT UCLA

26 GENE D. BLOCK, Chancellor, University)
of California, Los Angeles; DARRELL)

27 HUNT, Executive Vice-President and)
Provost; MICHAEL BECK,)

28 Administrative Vice Chancellor;)
MONROE GORDON, JR., Vice)

Chancellor; and RICK BRAZIEL,)
Assistant Vice Chancellor, each in both)

his official and personal capacities,)
Defendants.)

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INTEREST OF AMICI CURIAE

The UCLA Chapter of Faculty for Justice in Palestine (FJP) is a diverse, multi-religious, multi-generational, multi-ethnic, multi-racial, and multi-disciplinary collective of faculty members at UCLA. To further specify, FJP includes both Jewish and Muslim identifying members, and faculty from schools of law, medicine, social science, public policy, humanities, natural sciences, art, and beyond. FJP emerged in response to the ongoing genocide of Palestinians in Gaza and the need to support diverse groups of students at UCLA and beyond who have sought to exercise their first amendment rights to freedom of speech and protest, in support of Palestinian human rights, in response to the genocide, occupation, and apartheid perpetuated by U.S. funding and foreign policies.

12 *Amici* have a strong interest in this case. FJP is falsely alleged to have been
13 aware of and supported antisemitism in the encampment. FJP denies this claim and
14 notes that its membership, like the composition of the encampment, has at all times
15 included Jewish members. This is not the exception but rather the rule at FJP's
16 throughout the nation. FJP embraces and supports members of all faiths and
17 backgrounds, and seeks to ensure that any student, faculty member, or staff at UCLA
18 has equal access to education, that they do not face harassment or discrimination for
19 exercising their first amendment rights, and that they are safe on UCLA's campus.

Amici also have a strong interest in the proposed injunctions parties submitted. This injunction will have a profound impact on FJP membership's ability to exercise their first amendment rights. Even before this injunction between UCLA and the plaintiffs in *Frankel*, diverse FJP members at UCLA have faced significant harms while exercising first amendment rights. Faculty members have been beaten, arrested, doxxed, they have had their civil rights violated, sustained other physical injuries, and faced serious administrative retribution while acting to support students who are speaking out against war crimes and human rights violations. In addition, students and faculty of the Palestine Solidarity Encampment have been subjected to police

1 brutality and mob attacks by self-proclaimed Zionists and white Supremacists,
 2 representing an almost total failure of UCLA to provide timely intervention or
 3 protection. FJP members faced ongoing harassment and traumatic targeting through
 4 an unpermitted Jumbotron, doxxing, suppression of their free speech rights, punitive
 5 disciplinary actions, and other civil, constitutional, and human rights violations.

6 Expressing criticism of genocidal acts which have been the subject of
 7 international tribunals and are funded with U.S. taxpayer money is not anti-Jewish. In
 8 fact, it is vital for a vibrant university life and democracy to have space to critique
 9 public and foreign policy, engage in political debate, and express viewpoints even
 10 and perhaps especially when they run counter to the status quo. Protesting human
 11 rights violations and a genocide that has claimed the lives of tens of thousands of
 12 civilians is not about any individual or group's religious beliefs. Neither proposed
 13 injunction considers the concerns of UCLA's Jewish, Muslim and Christian
 14 protesters against war crimes and genocide in Palestine.

15 Antisemitism, along with Islamophobia, xenophobia, anti-Black racism, anti-
 16 Arab racism, and other forms of racial discrimination exist in societies around the
 17 world, yet plaintiffs' complaint mischaracterizes the real issues of discrimination,
 18 injustice, and civil rights violations at UCLA. FJP is referenced in plaintiffs' filing.
 19 Compl. ¶¶ 128-134. Plaintiffs falsely claim that FJP members "were aware of the
 20 antisemitic nature of the encampment and the systematic exclusion of Jewish
 21 students." Compl. ¶ 33. This assertion along with numerous other aspects of the
 22 complaint, is false.

23 The legal claims elaborated in *Frankel* are misapplied. It is in fact pro-
 24 Palestine, anti-genocide protesters—whether Muslim, Jewish or any other religion—
 25 whose state and constitutional rights have been violated by UCLA. These protesters
 26 have been beaten, shot, arrested, banned from campus, denied access to housing,
 27 healthcare, food, and employment because of protected First Amendment activities.
 28 They have endured countless hours of student disciplinary hearings, suffer

1 from PTSD due to the constant police presence on campus, and continue to face the
2 threat of criminal prosecution from UCLA and the state of California because they
3 want genocide to end and their university to stop profiting from the weapons that
4 facilitate it. FJP has an interest in clarifying the issues for the court, presenting
5 briefing critical for the court to consider, and ensuring a campus environment that is
6 safe, equitable, and protective of the rights of all students to access education,
7 exercise free speech, and oppose complicity in genocidal violence.

8 **ARGUMENT**

9 *Amici* agree with Defendant that an injunction is neither needed nor
10 appropriate, but write separately so the Court may learn of our understanding of the
11 immense harms and rights-based violations inflicted on anti-genocide protesters at
12 UCLA. Additionally, *Amici* ask the Court to allow additional time for more parties to
13 be heard in the case. *Amici* also write to show that Jewish students and faculty created
14 and participated in the encampment without fear or concerns for their safety from the
15 Palestine solidarity community, and that plaintiffs do not represent the interest of
16 Jewish people at UCLA. Further, we write to contextualize this litigation within a
17 broader framework of pro-Palestine, anti-genocide protests across the nation and the
18 repression of those efforts at UCLA and beyond. It is in the public interest to have a
19 robust debate about US involvement in what many bodies have deemed war crimes,
20 in violation of US and international law. Creating an injunction that further limits the
21 exercise of First Amendment rights on UCLA's campus in the name of exaggerated
22 or misstated claims of the scope of fear by three Jewish students at UCLA is counter
23 to these bedrock constitutional principles.

24 **I. PROTEST PURPOSE AND CONTEXT**

25 Across the country and around the world, hundreds of thousands, if not millions of
26 diverse peoples have been moved to protest war crimes and genocide in Palestine.
27 Israeli military assaults have bombed refugee encampments, entire residential blocks
28

1 full of families, as well as schools and medical facilities, all of which are now
 2 reduced to ashes and rubble. Israeli military offensives intentionally target journalists,
 3 and children comprise the majority of the casualties of its bombing of Gaza. While
 4 numbers continue to rise, nearly 40,000 Palestinians have been killed, so far, in this
 5 ongoing genocide.¹ The hospitals in Gaza have become graveyards and there are no
 6 universities left. Every single university in the Gaza strip has been destroyed, in what
 7 many have now labeled scholasticide.²

8 Context matters and Michael Fakhri, the UN Special Rapporteur on the Right to
 9 Food, and other UN experts, have declared that based on the attack on Gaza's health
 10 and social structures, widespread famine has spread across the Gaza strip.³ Namely,
 11 UN experts, have urged,

12 We declare that Israel's intentional and targeted starvation campaign against
 13 the Palestinian people is a form of genocidal violence and has resulted in
 14 famine across all of Gaza. We call upon the international community to
 prioritise the delivery of humanitarian aid by land by any means necessary,
 end Israel's siege, and establish a ceasefire.⁴

15 Examining the Palestine solidarity protests at UCLA and around the world, in the
 16 context of the immense injustices being protested, reveals that these diverse members
 17 of the campus community are in fact human rights defenders.

18 A report, by the University Network for Human Rights, the Boston University
 19 School of Law International Human Rights Clinic, the Cornell Law School
 20 International Human Rights Clinic, the University of Pretoria Centre for Human
 21 Rights, and the Yale Law School Lowenstein Human Right Project concludes that

23
 24 ¹ Explainer: Gaza death toll: how many Palestinians has Israel's campaign killed? Reuters (July 26, 2024),
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26 ² United Nations Office of the High Commissioner for Human Rights, *UN experts deeply concerned over scholasticide in*
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28 ⁴ *Id.*

1 “Israel has violated its obligations under the Genocide Convention of 1948, setting
 2 forth the facts that establish the requisite *mens rea* associated with genocidal intent,
 3 and the acts that violate Articles II and III of the Convention.”⁵ The report states,

4 Israel’s violations of the international legal prohibition of genocide
 5 and other related crimes amount to grave breaches of peremptory
 6 norms of international law that must be ceased immediately.

7 Furthermore, these violations give rise to obligations by all other States
 8 to refrain from recognizing Israel’s breaches as legal or taking any
 9 actions that may amount to complicity in these breaches; and to take
 positive steps to suppress, prevent, and punish the commission by
 Israel of further genocidal acts against the Palestinian people in Gaza.⁶

10 Furthermore, the International Court of Justice has ordered Israel to comply with
 11 provisional measures to stop genocidal acts, because it has found that there is a
 12 plausible case that Israel is committing genocide against Palestinians in Gaza.⁷

13 The forced famine, scholasticide, and ongoing genocide in Gaza, are occurring in
 14 the broader context of an apartheid system and an illegal occupation of Palestine. In a
 15 historic decision on July 19th, the International Court of Justice ruled in an advisory
 16 opinion, that Israel’s occupation of East Jerusalem, the West Bank, and Gaza are
 17 illegal.⁸ The International Court of Justice found that the occupation is illegal based
 18 on Israel’s wrongs, including annexation, denial of the right to self-determination,
 19 and violations of the Convention on the Elimination of All Forms of Racial
 20 Discrimination.⁹ The International Court of Justice has determined that Israel is in

22
 23 ⁵ University Network for Human Rights, International Human Rights Clinic - Boston University School of Law, International
 24 Human Rights Clinic - Cornell Law School, Centre for Human Rights - University of Pretoria, Lowenstein Human Rights
 25 Project - Yale Law School, *Genocide in Gaza: Analysis of International Law and Its Application to Israel’s Military Actions
 Since October 7, 2023*, University Network for Human Rights, 105, (May 15, 2024),
<https://static1.squarespace.com/static/5b3538249d5abb21360e858f/t/66475850eceb152a52fd55fe/1715951696844/Genocide+in+Gaza++Final+version+051524.pdf>

26 ⁶ *Id.*

27 ⁷ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip* (South Africa
 28 v. Israel) International Court of Justice, Summary of the Order of 26 January 2024, (January 26, 2024), <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240126-sum-01-00-en.pdf>

28 ⁸ *Legal Consequences Arising from The Policies And Practices Of Israel In The Occupied Palestinian Territory, Including
 East Jerusalem*, Advisory Opinion, I.C.J. Rep. ¶ 5 (July 19, 2024). <https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-adv-01-00-en.pdf>

29 ⁹ *Id.*

1 violation of Article III of Convention on the Elimination of Racial Discrimination,
 2 which prohibits racial segregation and apartheid.

3 It is in response to this grave historical injustice that UCLA students, staff, faculty,
 4 and community members protested the university's investments in the companies
 5 supplying Israel the weapons to maintain an apartheid government and carry out war
 6 crimes, including genocide. It is no secret that those who speak out in support of
 7 Palestinian human rights have faced immense backlash, retribution, personal costs,
 8 physical injuries, and a multitude of other material consequences. This backlash
 9 perpetuates violence while also attempting to silence dissent. In the words of the
 10 UCLA Task Force on Anti-Palestinian, Anti-Muslim, and Anti-Arab Racism,
 11 silencing "critical voices serves to authorize the merciless killing and destruction of
 12 Palestinian communities, including the total destruction of dozens of schools and
 13 every single university in the Gaza strip, as well as the murder of hundreds of
 14 Palestinian teachers, students, professors, deans and university presidents, which
 15 should concern all of us in academic institutions and indeed the institution itself."¹⁰

16 **A. FALSE ASSERTIONS OF ANTISEMITISM**

17 Many of the plaintiffs' material claims, characterizations, and assertions are false,
 18 but most critically false are the claims that the encampment's purpose was antisemitic
 19 and known to be so by FJP. One does not need to be Palestinian to understand that
 20 bombing a civilian population which has been under siege, occupied, and forcibly
 21 starved is unconscionable, morally reprehensible, and against international law. In
 22 this transnational movement of Palestinian solidarity, Jewish peace activists have led
 23 protests against genocide across the U.S. and around the world. The same is true at
 24 UCLA.

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27 ¹⁰ UCLA Task Force on Anti-Palestinian, Anti-Muslim, and Anti-Arab Racism, First Report, 4 (May 15, 2024),
 28 <https://www.dropbox.com/scl/fi/k6qkx97jdfrg61i6vlnxq/CORRECTED-MAY-15-REPORT-OF-TASK-FORCE-ON-ANTI.pdf?rlkey=j82r8gn89i03yclzn6hcxg3u&e=1&st=6s3n3uvu&dl=0>

1 It is not true that anyone was denied entrance to the Palestine solidarity
 2 encampment based on their identity. In fact, UCLA Jewish Voice for Peace, Jewish
 3 Voice for Peace - Los Angeles, and the national body of Jewish Voice for Peace
 4 issued a joint post to more than one million followers celebrating the Passover Seder
 5 at the UCLA Palestine Solidarity Encampment hosted by JVP at UCLA.¹¹ As UCLA
 6 Jewish Voice for Peace (JVP) students affirmed on their official Instagram account,
 7 “Like other members of the UCLA community, we have been welcomed into the
 8 encampment. [...] Entrance to the encampment is contingent on principles, politics,
 9 and solidarity with the Palestinian struggle, and not on identity.”¹² Thus, contrary to
 10 plaintiffs’ assertions, students wearing a Kippah were not denied entrance because
 11 they were Jewish. Moreover, as UCLA JVP explained,

12 Many Jewish students including members of Jewish Voice for Peace at
 13 UCLA have been active participants in the Encampment...We have been
 14 informed that some who were not let in are saying it was because they
 15 are Jewish. We soundly reject this and ensure that any accusation that
 Jewish people are not allowed into the encampment is false. Jewish
 students have hosted Shabbat services, Passover Seders, and daily spaces
 for Jewish learning and community building.¹³

16 Jewish students and faculty helped organize the Palestine solidarity encampment at
 17 UCLA, including FJP. Jewish presence at the Palestine solidarity encampment was
 18 also multigenerational, including the presence of families, from children to adults.
 19 The misleading characterizations in plaintiffs’ complaint and preliminary injunction
 20 motion paint a false and extremist picture suggesting that the Palestine Solidarity
 21 Encampment at UCLA is antisemitic, which is simply not true. FJP and the members
 22 of the Palestine Solidarity Encampment do not espouse or condone any type of racial,
 23 religious, or gender-based discrimination.

25 ¹¹ Jewish Voice for Peace, Jewish Voice for Peace – Los Angeles, Jewish Voice for Peace at UCLA, *JVP at UCLA*
 26 *Passover Seder*, jointly posted on the Instagram accounts of Jewish Voice for Peace, Jewish Voice for Peace – Los
 Angeles, Jewish Voice for Peace at UCLA (April 28, 2024),
https://www.instagram.com/p/C6VFHPrICA/?igsh=MTc4MmM1YmI2Ng%3D%3D&img_index=1

27 ¹² Jewish Voice for Peace at UCLA, *Letter to UCLA and Los Angeles Community*, Instagram account of Jewish Voice
 28 for Peace at UCLA dated April 30, 2024. This statement by Jewish Voice for Peace at UCLA, dated April 30, 2024, was
 posted on JPV UCLA’s official Instagram account. Image on file with author but link not available.

¹³ *Id.*

1 Palestine solidarity organizers at UCLA observed Jewish religious ceremonies
2 inside the encampment. According to the UCLA Task Force on Anti-Palestinian,
3 Anti-Muslim, and Anti-Arab Racism (Task Force),

4 Muslims, Jews, Christians, and followers of other faiths as well as
5 atheists were welcome. Muslim salat and Jewish shabbat were
6 commonplace. Families with children were also welcome on the first day
of the encampment. Food was made available to all, and precautions
were taken to protect anyone with severe allergies.¹⁴

7 The encampment was set up during Passover. Both Seder and Shabbat were held
8 inside the encampment, alongside Muslim prayer. In addition, on Saturday April 28th,
9 at the UCLA Palestine solidarity encampment, organizers held the Jewish religious
10 ceremony of Havdalah, marking the end of the Sabbath.¹⁵ Jewish students were part
11 of the core group of organizers of the Palestine solidarity encampment, including
12 members wearing a Kippah. Jewish students formed part of the encampment's
13 organizing leadership and media team. The encampment included Jewish faculty,
14 staff, and Jewish graduate and undergraduate students who held active facilitation and
15 leadership roles in the encampment programming. These facts of Jewish organizers
16 and Jewish religious observances held within UCLA's Palestine solidarity
17 encampment are irreconcilable with plaintiffs' assertions of antisemitism.

18 In the wake of the violent mob attack on the encampment on April 30, entrance
19 criteria to the encampment changed to prevent further violence. In place of the initial
20 community agreements, encampment security protocol tightened to specify that
21 people could only be let in if someone already inside the camp could vouch for them,
22 or if they had been in the camp on a previous day as evidenced by colored wrist
23 bands handed out at the entrance. This new protocol meant that many people were
24 turned away from the encampment in its final 24 hours. This included people who

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27 ¹⁴ UCLA Task Force on Anti-Palestinian, Anti-Muslim, and Anti-Arab Racism, First Report, 4 (May 15, 2024),
<https://www.dropbox.com/scl/fi/k6qkx97jdfrg61i6vlnxq/CORRECTED-MAY-15-REPORT-OF-TASK-FORCE-ON-ANTI.pdf?rlkey=j82r8gn89i03yclzn6hcxg3u&e=1&st=6s3n3uvu&dl=0>

28 ¹⁵ Jewish Voice for Peace at UCLA, *JVP at UCLA Havdalah Saturday April 28th 8pm at Royce Encampment*,
Instagram account of Jewish Voice for Peace at UCLA, (April 27, 2024), <https://www.instagram.com/p/C6SHmpHv6tx/>

1 arrived wearing keffiyehs, a visual symbol deeply associated with Palestinian
 2 resistance, culture, and activism. Entry and exit to the encampment was not in any
 3 way based on racial, ethnic, cultural or religious beliefs. That those wearing keffiyehs
 4 were denied entry to the encampment does not render the encampment anti-
 5 Palestinian. Similarly, it defies logic to claim that the encampment, on one area of
 6 UCLA's vast campus, organized by Jewish activists among a diverse coalition, with a
 7 focus on ending a genocide, was anti-Jewish.

8 Jewish faculty and staff beyond FJP were open and vocal supporters of the
 9 encampment. An open letter signed by 78 Jewish faculty and staff at UCLA, states:

10 Jews who support the liberation of Palestine must not be devalued: We
 11 reject the notion that those Jews who embrace and work with the people
 12 of Palestine, whether in Palestine or in the United States, have sacrificed
 13 their Jewishness. We emphasize the view that many Jews who embrace
 14 pro-Palestinian work regard themselves as fully Jewish and act as Jewish
 people of conscience. We also reject the narrative pitting Jews against
 pro-Palestine protesters. This narrative ignores the diversity of the
 Jewish community and the presence of Jews within the protest
 movement.¹⁶

15 Notably, the letter critiques the University's treatment of Jewish people as
 16 homogenous and the University's misuse of "Jews as justification for the arrest of
 17 those associated with Students for Justice in Palestine and their sister organizations,
 18 including Jewish Voice for Peace, among others."¹⁷

19 **B. ATTACKS ON ANTI-GENOCIDE PROTESTERS AND UCLA'S
 20 FAILURE TO PROTECT THEM**

21 On Saturday April 27th, UCLA permitted counter protesters to organize directly
 22 facing the encampment. That protest could have been organized anywhere on the
 23 sprawling UCLA campus, yet UCLA allowed counter protesters to choose a location
 24 adjacent to the Palestine Solidarity Encampment. Counter protesters erected a
 25 jumbotron—a 10-12-foot-high flat screen television with powerful speakers—blaring

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 28¹⁶ An Open Letter to the UCLA Community from UCLA Jewish Faculty and Staff (April 30, 2024),
<https://sites.google.com/view/ucla-jewish-faculty-staff/>.

¹⁷*Id.*

1 loud music and screening traumatic, triggering images of sexual violence. As the
 2 Task Force explained,

3 Protected by metal barriers and paid private security guards employed by
 4 the Apex Security Group, the jumbotron remained in place for five days,
 5 constantly playing footage of the October 7th attacks, audio clips of
 6 graphic descriptions of rape and sexual violence, sounds of gunshots,
 7 screaming babies, clips of President Biden pledging unconditional
 8 support for Israel, loud music, including a loop of the Israeli song ‘Meni
 9 Mamtera’, a children’s song Israeli soldiers used as a form of “noise
 10 torture” on Palestinian captives. The jumbotron was paid for by a
 GoFundMe account that had raised \$73,000 by Sunday night. The taunts
 and harassment continued throughout the day. One inebriated agitator
 harassed several Black women and femmes who were on encampment
 security, calling them slaves and racial slurs, followed by threats of rape.
 A Neo-Nazi, identified later as a member of the Proud Boys, actually
 shouted that they were “here to finish what Hitler started,” without any
 apparent protest from the self-identified Zionists.¹⁸

11 The unmitigated presence of the jumbotron and sexually violent images displayed by
 12 counter protest organizers has resulted in civil rights complaints to the university. The
 13 jumbotron was unpermitted yet remained on campus for days. In fact, the unpermitted
 14 jumbotron was on campus and still being taken down after UCLA removed the
 15 encampment:

16 On the night of Tuesday April 30th, an armed mob of self-proclaimed Zionists and
 17 white supremacists, including Proud Boys, launched an attack on students in the
 18 encampment. White nationalists and neo-Nazis joined forces with Zionists (including
 19 some identifying as Israelis) to attack UCLA’s Palestine Solidarity Encampment,
 20 whose residents included a large number of Jewish students.¹⁹

21 The assailants were armed with a variety of weapons, and “[u]sing metal pipes,
 22 wooden planks, fists, knives, bricks, noise, chemical weapons, and incendiary
 23 fireworks, the mob sent at least twenty-five students to the hospital for broken bones,
 24 head trauma, and severe lacerations, while police stood by and watched for hours,

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 27 ¹⁸ UCLA Task Force on Anti-Palestinian, Anti-Muslim, and Anti-Arab Racism, First Report, 7, (May 15, 2024),
<https://www.dropbox.com/scl/fi/k6qkx97jdfrg61i6vlnxq/CORRECTED-MAY-15-REPORT-OF-TASK-FORCE-ON-ANTI.pdf?rlkey=j82r8gn89i03yclzn6hcxz3u&e=1&st=6s3n3uvu&dl=0>

28 ¹⁹ Robin D.G. Kelley, *UCLA’s Unholy Alliance*, Boston Review (May 18, 2024),
<https://www.bostonreview.net/articles/uclas-unholy-alliance/>

1 electing to neither detain nor interrogate the perpetrators.”²⁰ In spite of the extreme
 2 violence perpetrated against anti-genocide protesters at UCLA, “[n]o arrests took
 3 place that night.” The following day, only students and faculty defending the
 4 encampment were arrested.²¹

5 This is the punitive context in which human rights defenders at UCLA speak out
 6 for Palestine solidarity. The accounts of the violent attack that night are not only
 7 terrifying and shocking to the core, but they flat out contradict the plaintiffs’ claims
 8 that UCLA protects Palestine solidarity activists.

9 The lived reality of students at the Palestine solidarity encampment who were
 10 under attack on April 30th reads like a horror movie.

11 They came armed with bear mace and other chemical irritants, hammers,
 12 knives, stink bombs, high grade fireworks, baseball bats, metal and
 13 wooden rods, and reportedly at least one of the attackers had a gun in his
 14 backpack. Just prior to the attack, students were subjected to loud
 15 recordings of screaming babies, followed by a fusillade of fireworks shot
 16 directly into the encampment. One student recalled “agitators
 17 congregated at every entrance, probably to try to distract us. . . I thought
 18 they were shooting at us. Men in full-faced white masks began breaking
 19 down the barriers using knives, hammers, and their feet. One armed with
 20 a long metal rod “would try and, like, spear people and bash people with
 21 this big pole.” Others started throwing chunks of wood and stink bombs
 22 and spraying chemicals—bear mace, tear gas, pepper spray. “I saw planks
 23 of wood come sailing into the camp and strike some girl in the back of
 24 the head and she just fell to the ground.” Another student was struck in
 25 the back of the head by fireworks and had to be hospitalized. The
 26 volunteer medics were simply overwhelmed, forcing students with little
 27 experience to attend to wounds. “People were crying and being like, ‘can
 28 you call my mom? I need to call my mom, please help me’ . . . We were
 trying to do the best that we could but we ran out of saline needed to
 flush the chemicals out of people’s eyes.”²²

UCLA’s failure to protect students that night not only shows that what occurred is
 starkly different from the plaintiffs’ depictions, but also reflects the University’s utter
 disregard for the safety of diverse students and faculty who speak out for Palestine.

²⁰ *Id.*

²¹ *Id.*

²² UCLA Task Force on Anti-Palestinian, Anti-Muslim, and Anti-Arab Racism, First Report, 10 (May 15, 2024), <https://www.dropbox.com/scl/fi/k6qkx97jdfrg61i6vlnxq/CORRECTED-MAY-15-REPORT-OF-TASK-FORCE-ON-ANTI.pdf?rlkey=j82r8gn89i03yclzn6hcxgz3u&e=1&st=6s3n3uvu&dl=0>

1 In fact, the university did not protect any Palestine solidarity activists, regardless
 2 of their background. A Jewish graduate student and Palestinian solidarity protester
 3 was choked and arrested by police on Royce scaffolding. Jewish students expressing
 4 solidarity with Palestine experienced great unsafety and endangerment at the hands of
 5 UCLA administration and self-proclaimed Zionist mobs. While those violent
 6 perpetrators attacked with impunity and faced no consequences, protesters have faced
 7 physical assault, jail, doxing, harassment, threats to their academic progress, and
 8 more. The University should protect human rights defenders of all racial and religious
 9 backgrounds, including Palestine solidarity activists, yet UCLA has in fact
 10 endangered, injured, penalized, and criminalized Palestinian human rights defenders
 11 indiscriminately.

12 **C. UCLA SUPPRESSES ANTI-GENOCIDE, PRO-PALESTINIAN SPEECH**

13 The Task Force was convened by the University to “address the increased
 14 harassment, violence, and targeting of our Palestinian, Arab and Muslim
 15 communities, and anyone subjected to discrimination, repression and marginalization
 16 for their Palestinian solidarity advocacy.”²³ It was one of two task forces appointed at
 17 UCLA and worked alongside a Task Force on Anti-Semitism. We share some of the
 18 Task Force’s findings, to illustrate how antisemitism has been weaponized at UCLA
 19 to suppress pro-Palestinian speech and even more broadly, anti-racist curricula in
 20 general. In their first report, the Task Force stressed,

21 ...at a time when all of our attention should be directed at the genocide
 22 in Gaza, the mendacious narrative of “antisemitism” was being deployed
 23 in order to delegitimize protest against state violence and hence to screen
 24 or obscure the visibility of the genocide. We demonstrated that few
 25 avenues of violence protection were open to those who were harassed or
 26 who faced sanctions. For example, a guest speaker in a course on
 27 structural racism received death threats alarming enough to force the
 cancellation of events hosted by the Luskin Institute on Inequality and
 Democracy. The Structural Racism course itself was “paused.” We have
 reported many incidents where faculty with Zionist viewpoints were
 using their position of power against students and in some cases, against
 staff. Academic staff have also reported a hostile work environment and

28 ²³ UCLA Task Force on Anti-Palestinian, Anti-Muslim, and Anti-Arab Racism, Second Report (June 28, 2024),
<https://racialviolencehub.com/wp-content/uploads/2024/06/June-28-Task-Force-Report-on-AntiPalestinian-Racism.pdf>.

1 retaliation through personnel reviews and merit processes for their
 2 defense of Palestinian rights.²⁴

3 To fully understand civil rights and racial discrimination at UCLA within the context
 4 of Palestine solidarity protests, requires recognition of the imbalance in power
 5 between those who criticize the US and Israeli governments, sometimes at great
 6 personal sacrifice, and those who claim to be harmed by hearing that critique. On this
 7 point, it is particularly insightful that the Task Force concluded their first report with
 8 the following,

9 [We] believe that given the extraordinary tensions on campus and the
 10 widespread suppression of speech that is critical of Israeli policy, speech
 11 often unreflectively declared to be antisemitic, the best approach to
 12 combatting anti-Palestinian, anti-Muslim and anti-Arab racism and to
 13 protecting academic freedom lies in an acknowledgement that there is no
 14 parity between what is happening to speakers who advocate Palestinian
 15 rights and to those who claimed to be rendered uncomfortable by speech
 16 critical of Israel and as such to be experiencing a rise in antisemitism.
 17 There cannot be a dialogue across difference, unless this asymmetry is
 18 recognized.²⁵

19 Furthermore, in its second report, the Task Force concluded that “the militarization of
 20 our campus, the persistent attacks on students, faculty, and staff for supporting
 21 ceasefire, divestment and disclosure, the punitive measures deployed by the
 22 administration toward anyone even mildly critical of Israeli policies, have made
 23 UCLA less safe than ever for Palestinian, Arab, Muslim students and faculty, and for
 24 those in solidarity with Palestinians.”²⁶

25 In terms of questions of campus safety, the Task Force explained, “The university
 26 is now overrun with police and private security, draining precious financial resources
 27 without making our community any safer – indeed, making it far less safe for
 28 students and faculty exercising their constitutionally protected right to protest and
 29 criminalizing protest across the board. We have heard repeatedly from students in a

26 ²⁴ UCLA Task Force on Anti-Palestinian, Anti-Muslim, and Anti-Arab Racism, First Report, 3-4, (May 15, 2024),
<https://www.dropbox.com/scl/fi/k6qkx97jdfrg61i6vlnxq/CORRECTED-MAY-15-REPORT-OF-TASK-FORCE-ON-ANTI.pdf?rlkey=j82r8gn89i03yclzn6hcxgz3u&e=1&st=6s3n3uvu&dl=0>

27 ²⁵ *Id* at 4.

28 ²⁶ UCLA Task Force on Anti-Palestinian, Anti-Muslim, and Anti-Arab Racism, Second Report (June 28, 2024),
<https://racialviolencehub.com/wp-content/uploads/2024/06/June-28-Task-Force-Report-on-AntiPalestinian-Racism.pdf>.

1 variety of contexts that the police presence on our campus makes them feel unsafe
 2 and we have witnessed aggressive policing actions taken towards our students.”²⁷ Far
 3 from what is asserted by plaintiffs, UCLA did not facilitate the encampment, nor does
 4 it protect Palestine activists. Rather it has suppressed the right to speech and protest,
 5 violently, clearing the encampment and calling in multi-agency police forces to do so.
 6 Despite the peaceful nature of the Palestine Solidarity Encampment, UCLA
 7 responded to students and faculty speaking out about Palestinian human rights by
 8 militarizing the campus. In fact, in subsequent protests too, students and faculty on
 9 their own campus faced brutality and droves of armed police. Given that there is no
 10 higher moral or legal calling than to oppose the destruction of a people, it is
 11 particularly dangerous to suppress protests against genocide.

12

**D. GROWING CONSENSUS ON WAR CRIMES AND GENOCIDE IN
 13 GAZA**

14 There is a growing consensus emerging across the United Nations and other U.S.
 15 and international Human Rights organizations that the violent suppression of peaceful
 16 protest in the United States—including but not limited to protest in solidarity with the
 17 people of Palestine—is an alarming sign of the erosion of our democracy. At the end
 18 of an official visit to the US, UN Special Rapporteur on the right to education, Farida
 19 Shaheed said, “I am deeply troubled by the violent crackdown on peaceful
 20 demonstrators, arrests, detentions, police violence, surveillance and disciplinary
 21 measures and sanctions against members of the educational community exercising
 22 their right to peaceful assembly and freedom of expression.”²⁸ The civil rights issues
 23 raised in this case, related to Palestine solidarity protests, must be addressed in the
 24 context of free speech, the right to protest, and the unfairness with which Palestine

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²⁷ *Id.*

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²⁸ Farida Shaheed UN Special Rapporteur on the Right to Education, *Statement by the Special Rapporteur on the right to education, Ms. Farida Shaheed on her visit to the United States of America*, United Nations (29 April – 10 May 2024), <https://www.ohchr.org/sites/default/files/documents/issues/education/statements/20240510-stm-eom-sr-education-usa.pdf>

1 solidarity protesters have been treated. Notably, “The UN Human Rights Council-
 2 appointed expert said she is particularly concerned by the way protesters are unfairly
 3 treated based on their political viewpoint – specifically pro-Palestinian protestors.”²⁹

4 Twenty UN experts including the Special Rapporteurs on the rights to education,
 5 right to freedom of opinion and expression, peaceful assembly, and on the situation of
 6 human rights defenders have come together to affirm the importance of free speech
 7 on U.S. college campuses.³⁰ Jointly, these experts declare,

8 It is inaccurate and unjustified to bluntly label all peaceful
 9 demonstrations of solidarity with the Palestinian people or calls for a
 10 ceasefire in Gaza or criticism of Israel’s policies as antisemitic...We
 11 strongly denounce antisemitism as a serious form of racial hatred and
 12 intolerance and urge authorities to properly investigate and take effective
 13 measures against it in line with international human rights law.³¹

14 The UN human rights experts also acknowledged the improper political pressures
 15 that exist on universities across the United States, to take certain positions against
 16 these protests, in ways that interfere with academic freedom and erode democracy.³²
 17 Universities have long been epicenters of free speech, and in this role, they provide a
 18 litmus test for the strength of our democracy. While every single university in Gaza
 19 has been deliberately bombed, we ask the court to protect this role of Universities in
 20 the United States, and not be swayed by the argument that, at UCLA and elsewhere,
 21 Palestinian solidarity protest is antisemitic.

CONCLUSION

22 Amicus requests that this Court protect the rights of all students, including the
 23 civil, constitutional and human rights of free speech and protest, without fear of
 24 retribution or violence, whether institutional violence, extremist violence, or violence

25 ²⁹ *UN expert raises alarm over treatment of pro Palestinian student protesters in US*, UN News - Human Rights (May
 10, 2024),
 26 <https://news.un.org/en/story/2024/05/1149616#:~:text=%E2%80%9CI%20am%20deeply%20troubled%20by,Rapporteur%20on%20the%20right%20to>,

27 ³⁰ United Nations Office of the High Commissioner for Human Rights, *USA: Free speech on campus needs to be
 28 protected, not attacked, say experts*, UN Media Center - Press Release (July 25, 2024), <https://www.ohchr.org/en/press-releases/2024/07/usa-free-speech-campus-needs-be-protected-not-attacked-say-experts>

29 ³¹ *Id.*

30 ³² *Id.*

1 carried out by police forces. Students, faculty, and staff should not be criminalized or
2 denied access to education, campus, campus housing, or other campus services and
3 opportunities, on the basis of human rights speech. Students, faculty, staff, and the
4 campus community should also not be subjected to time restrictions or the imposition
5 of a curfew on the grounds of a public university. As the campus community,
6 students, faculty, and staff have a right to access campus facilities, gather, assemble,
7 and protest – even in the form of encampments. In the context of Palestine solidarity
8 protests that have emerged on college campuses across the United States, including at
9 UCLA, we note that University policies have been marshalled to systematically and
10 disproportionately harm members of the campus community who speak out against
11 this genocide.

12 Not only should the University have policies that reflect a deep commitment to
13 protecting the free speech rights of all people, but existing rules and policies, at the
14 discretion of UCLA's decision-makers should also never be wielded in ways that
15 chill the speech of the campus community as they raise the alarm on an ongoing
16 genocide. Even where there may be technical violations of specific university rules,
17 the University must not suppress the right to freedom of speech.

18 We request that this Court analyze the issues in the context of the findings made
19 by the UCLA Task Force on Anti Palestinian, Anti Muslim, and Anti Arab Racism.
20 We ask that this Court adjudicate this case in a way that prioritizes the safety, rights,
21 and dignity of the hundreds of anti-genocide students, faculty, and staff most
22 proximate to the multitude of harms inflicted by the University in suppressing
23 dissent.

24 Additionally, we request that this Court order the University of California to adopt
25 the guidance of the twenty United Nations human rights experts on the issue of free
26 speech and the right to campus protests in the United States. As declared by the UN
27 Special Rapporteurs on the right to education, assembly, and freedom of opinion,
28 amongst others, who have expressed their concerns to the US government in a

1 previous communication, “The banning and attacks on student protests are a grave
 2 violation of the rights to peaceful assembly and freedom of expression guaranteed by
 3 international human rights law, and must stop immediately.”³³ Furthermore, as UN
 4 experts have urged, “The United States must ensure that freedom of peaceful
 5 assembly is respected, as required by Articles 19 and 21 of the International Covenant
 6 on Civil and Political Rights, ratified by the United States, and by Article 5 of the
 7 Declaration on Human Rights Defenders.”³⁴ The harm, trauma, and damage of
 8 violating students’ right to protest, militarizing a campus, and criminalizing students
 9 who seek to oppose a genocide cannot ever be fully undone.

10 There are, however, steps to remedy the ways in which the rights of Palestine
 11 solidarity protesters, including Jewish faculty, students, and staff, have been violated.
 12 One step forward is for this Court to order the University of California to grant
 13 blanket amnesty to all Palestine solidarity protesters. Another is for the University of
 14 California to pay all medical expenses for injuries sustained when the university
 15 failed to protect the campus from outside agitators and from the police brutality that
 16 the University unleashed on the campus community. Finally, the University should be
 17 ordered to disclose and divest all of its financial investments in corporations and
 18 stocks that profit off of the killing of the Palestinian people, the military occupation
 19 of Palestine, and the perpetuation of an unlawful apartheid regime.

20

21

22 DATED: August 8, 2024

By: /s/ Thomas B. Harvey

Thomas B. Harvey

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27 _____
³³ *Id.*28 ³⁴ *Id.*